

**UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-cv-00731-M (L)**

JEFFERSON GRIFFIN,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS,

Defendant,

and

ALLISON RIGGS et al.,

Intervenor-Defendants.

Case No. 5:24-cv-00731-M

NORTH CAROLINA DEMOCRATIC
PARTY,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS, et al.,

Defendants.

**STATE BOARD'S FOURTH
CONSENT MOTION FOR
EXTENSION OF TIME TO FILE
ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF NORTH
CAROLINA DEMOCRATIC
PARTY'S SECOND AMENDED
COMPLAINT**

Case No. 5:24-cv-00699-M

CARRIE CONLEY, et al.,

Plaintiffs,

v.

ALAN HIRSCH, et al.,

Defendants.

Case No. 5:25-cv-00193-M

NOW COME Defendants North Carolina State Board of Elections, its members, and its executive director (“State Board”), with consent of consolidated Plaintiff North Carolina Democratic Party (“consolidated Plaintiff”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3(j), to move this Court for an order to extend the time within which to file an answer or otherwise respond to consolidated Plaintiff’s Second Amended Complaint by sixty (60) days, up to and including July 7, 2025.

In support of this Motion, the State Board show the following:

1. Consolidated Plaintiff filed its Complaint in the consolidated action on December 6, 2024 [D.E. 1¹] and served it on the State Board on December 11, 2024. [D.E. 24]
2. Plaintiff filed a First Amended Complaint on December 31, 2024. [D.E. 29].
3. On January 13, 2025, the State Board moved for and a twenty-one (21) day extension to February 3, 2025, and this Court granted the motion. [D.E. 30]
4. On January 31, 2025, the State Board moved for a thirty (30) day extension to March 5, 2025, and this Court granted the motion. [D.E. 31]
5. On March 4, 2025, the State Board moved for a sixty (60) day extension to May 5, 2025, and this Court granted the motion. [D.E. 33, 34]
6. Plaintiff filed a Second Amended Complaint on April 14, 2025. [D.E. 35]
7. Pursuant to Rules 6(a)(1) and 15(a)(3), the State Board’s response to the Plaintiff’s Second Amended Complaint is due on May 5, 2025.

¹ Initial citations to docket entries refer to the pre-consolidated case no. 5:24-cv-00699-M.

8. On April 14, 2025, Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order [D.E. 36, 37], which was denied by the Court. *See* the April 14, 2025 at 5:23 PM Text Only Order.

9. On April 14, 2025, the Court *sua sponte* issued a Text Only Order consolidating *Griffin v. N.C. State Board of Elections and Riggs, et al.*, No. 5:24-CV-00731-M (L); *N.C. Democratic Party v. N.C. State Board of Elections*, No. 5:24-CV-00699-M, and *Conley, et al. v. Hirsch, et al.*, No. 5:25-CV-00193-M. The parties were directed to file all future pleadings, motions, and other documents with a triple caption and under Case No. 5:24-CV-00731-M (L); *see* the April 14, 2025 at 5:44 PM Text Only Order.

10. On April 14, 2025, Plaintiff NC Democratic Party gave notice of interlocutory appeal to the Fourth Circuit Court of Appeals from the Courts April 14, 2025 Text Only Order. [D.E. 49²]; *see also* Fourth Circuit Case No. 25-1399.

11. Undersigned counsel for the State Board hereby moves for a sixty (60) day extension to respond to consolidated Plaintiff's Second Amended Complaint. This request is based, in part, on the fact that this action is now consolidated before this Court with significant briefing already completed and potentially a ruling resolving the remaining federal issues in the near future. [D.E. 78, 81, 82, 83, 84, 86, 87, 99, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 113, 116, 117, 118, 119, 120, and 121]

12. This request is also based on undersigned counsel's workload in several pending cases since the previous deadline of March 5, 2025. Undersigned counsel, with the support of other attorneys in the North Carolina Attorney General's Office, handles all State Board civil

² All remaining citations to docket entries refer to lead consolidated case no. 5:24-cv-00731-M.

litigation, including the ongoing matters related to the November 2024 election referenced above. Until April 20, 2025, undersigned counsel was the only full-time litigation attorney for the State Board of Elections since March 1, 2025. [D.E. 32]

13. Undersigned counsel is also preparing for a Fourth Circuit Oral Argument on May 9, 2025 in *N.C. A. Philip Randolph Institute, et al., v. N.C. State Board of Elections, et. al*, No. 24-1412.

14. This is the State Board's first request for an extension of the deadline to respond to consolidated Plaintiff's Second Amended Complaint, but the fourth request overall for an extension to respond to Plaintiff's pleading.

15. This motion is being made within the current deadline and is not being made for any improper purpose.

16. The undersigned believes that the extension of time is reasonable under the circumstances and for the reasons noted above, good cause exists to grant this motion. It is intended to allow the consolidated cases to proceed toward a ruling on the current pending motions as such a ruling has the potential to narrow or extinguish the issues in this case, to allow the undersigned to respond to all other pending obligations in unrelated actions, and to prepare a response to Plaintiff's Second Amended Complaint in this action.

17. Undersigned counsel discussed this request with Plaintiff's counsel, and Plaintiff consents to the request.

18. A proposed order granting the State Board's Fourth Consent Motion for Extension of Time is attached hereto, and a MS Word version of that proposed order is being emailed to the presiding judge's staff using the following address:

Documents_Judge_Myers@nced.uscourts.gov.

WHEREFORE, the State Board respectfully requests an extension of sixty (60) days of the time within which to file an answer or otherwise respond to Plaintiff's Second Amended Complaint, up to and including July 7, 2025.

Respectfully submitted this the 4th day of May, 2025.

/s/ Terence Steed
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